

Accordingly, Applicant respectfully requests that the finality of the rejection be withdrawn and any subsequent rejection be non-final.

3. Claims 3 and 4 were rejected under §103(a) over Woolston (U.S. Patent 5,845,265) in view of Friedland et al. (U.S. Patent 6,449,601). This rejection is respectfully traversed.

Independent claim 3 recites an on-line trading system comprising sale receiving means for receiving submission for sale of an article from a seller terminal, information inputting means for inputting information of the article, information storing means for storing information of the article input from the information inputting means, auction selecting means for selecting an auction at which the article is to be auctioned, information showing means for showing the information of the article to public via communicating means, prior bid receiving means for receiving a bid for the article via the communicating means, bid submission receiving means for receiving submission for the article at the auction, and successful bid determining means for determining a successful bid based on the information received by the prior bid receiving means in the information received by the bid submission receiving means.

As supported by paragraph [0032] of the present specification, the article (in this case a used car) is put up to auction if no application for purchase is received within a predetermined period or prior to a predetermined date and time. Additionally, as supported by paragraphs [0042] and [0043] of the present specification, for example, the auction instruction information outputting means moves records associated with cars that have reached their public showing closing date to a "to-be-auctioned" database. In this way, an article is shown to the public for a predetermined period and purchasers are allowed to access related information whenever it suits them. Additionally, after the lapse of the predetermined

period, the article is put up to an auction, so that the article can be sold quickly. Consequently, circulation of articles is facilitated and costs associated with storing and keeping the articles can be controlled. In accordance with the present invention, an article can be sold quickly while obtaining an opportunity for selling at the desired price by showing the article to the public for the predetermined period with the desired sales price being presented and subsequently exhibiting at an auction after the lapse of a predetermined period.

Woolston discloses a method and apparatus for creating a computerized market for direct sale, auction, or purchase of collectible goods comprised of a sale receiving means, information inputting means, information storing means, auction selecting means, and information showing means. It appears that the Examiner has interpreted that offers made when goods are offered for sale on the electronic market are received by a prior bid receiving means and bids made when goods are offered at auction are received by a bid submission receiving means.

Friedland discloses a successful bid determining means for determining a successful bid based on information received by a prior bid receiving means (pre-bid state) in the information received by a bid submission receiving means (open for bidding state).

However, Applicant respectfully submits that Woolston does not teach or suggest a system wherein goods are presented for sale and subsequently presented for auction if no application for purchase is received within a predetermined time period or prior to a predetermined date. In fact, Applicant respectfully submits that Woolston teaches away from such a system in column 9, lines 28-30, for example, by disclosing that a participant "may select auction, market *or* agent handler sections of the consignment node" and further in column 5, lines 5-8, by disclosing that "the data record representing the good is identified as waiting for an auction date and may not be purchased on the electronic market."

Accordingly, Applicant respectfully submits that the sale and auction of Woolston are completely separate functions and there is no suggestion in Woolston that bids received when a good is presented for sale are considered with bids received when the same good is presented at auction. Therefore, there is no motivation to combine Friedland with Woolston absent hindsight gleaned from Applicant's own disclosure.

Accordingly, Applicant respectfully submits that claim 3 defines patentable subject matter over the prior art and thus is in condition for allowance. Claim 4 depends from claim 3 which Applicant respectfully submits is in condition for allowance for at least the foregoing reasons. Accordingly, Applicant respectfully submits that claim 4 defines patentable subject matter over the prior art and thus is in condition for allowance.

4. Claims 5 and 10 were rejected under §103(a) over Woolston in view of Friedland further in view of Fujisaki (U.S. Patent 4,789,928). Claims 5 and 10 ultimately depend from claim 3 which Applicant respectfully submits is in condition for allowance for at least the foregoing reasons. Accordingly, Applicant respectfully submits that claims 3 and 10 define patentable subject matter over the prior art and thus are in condition for allowance.

For at least the foregoing reasons, Applicant respectfully submits that this application is in condition for allowance. Accordingly, the Examiner is hereby requested to issue a Notice of Allowance for all pending claims (including claims 6 and 11).

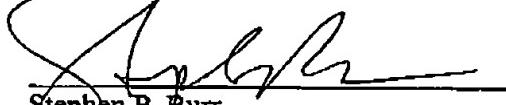
If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

December 3, 2004

Date

  
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